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APR 27 2007

OFFICE OF PETITIONS

In re Application of :
Beaman et al. :
Application No.: 09/382834 :
Filing or 371(c) Date: 08/25/1999 : **ON PETITION**
Attorney Docket Number: :
YO993-028BX :

This is a decision on the correspondence entitled "Withdrawal of the Notice of Abandonment Dated November 4, 2005 for Patent Office Error," filed November 17, 2005. The correspondence is properly treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

Background

Applicant filed a Notice of Appeal on January 20, 2005, and thereafter filed a document entitled "AMENDMENT, REQUEST FOR CONTINUED EXAMINATION AND WITHDRAWAL OF NOTICE OF APPEAL" on June 16, 2005.

The Office mailed an Advisory Action on August 19, 2005, informing Applicant that the Amendment filed June 16, 2005 raised issues of new matter and would not be entered for purposes of appeal.

A Notice of Abandonment was mailed November 4, 2006.

The present petition

Applicant files the instant petition and asserts that an RCE was timely filed and requests withdrawal of the holding of abandonment.

Analysis and conclusion

A review of the application file reveals that Applicant included with his RCE request an authorization to charge fees. Also, the application file reveals that the RCE has been processed in the Technology Center and the RCE was charged on March 22, 2007.

In view of the foregoing, the petition is granted.

The application will be referred to Technology Center Art Unit 2829 for processing of the Reply, and for continued processing in due course.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
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Office of Petitions